

REMARKS

In this paper, claims 1, 3, 26 and 27 are currently amended. After entry of the above amendment, claims 1-27 are pending, with claims 8, 13 and 14 temporarily withdrawn from consideration.

The applicant appreciates the indicated allowability of claim 27 if rewritten to be in independent form, including the limitations of the base claim and any intervening claims. Claim 27 has been so rewritten.

The specification has been amended to properly refer to drive mechanism (4) in paragraph [0019].

Claims 1-27 were rejected under 35 U.S.C. §112 as not complying with the written description requirement. The phrase “other than a housing of a motor itself” has been deleted to overcome this basis for rejection.

Claims 1-27 were rejected under 35 U.S.C. §112 as being indefinite. The phrase “other than a housing of a motor itself” has been deleted to overcome this basis for rejection.

Claims 1-3, 9-12 and 15-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fukuda (EP 1,010,613) in view of Kerdjoudj, et al (US D451,072). This basis for rejection is respectfully traversed.

Claim 1 has been amended to clarify that the drive mechanism housing is separate from the first and second base members, that the link mechanism has a link member that moves in response to movement of the drive mechanism, and that the drive mechanism housing has a link shaft extending therefrom to which the link member is mounted for pivoting around a rotational axis of the link shaft. Additionally, claim 1 has been amended to clarify that the misalignment inhibiting structure inhibits misalignment of the drive mechanism housing by preventing forces applied to the first and second base members from being transmitted to the drive mechanism housing.

Fukuda discloses a motor-driven derailleur (14) that includes a motor unit housing (56) comprising a first housing section (56A) and a second housing section (56B). Motor unit housing (56) is attached to the lateral side of a single base member (44). The office action interprets first housing section (56A) and second housing section (56B) to be first and second base members. However, claim 1 recites that the drive mechanism housing is separate from the first and second base members. That is, the first and second housing sections (56A) and (56B) cannot be equated with first and second base members without committing improper double inclusion of element. Thus, first housing section (56A) and second housing section (56B) cannot be interpreted to be the first and second base members recited in claim 1.

The office action further states that it would be obvious to modify Fukuda's housing bases (56A) and (56B) to include a misalignment inhibiting structure as allegedly taught by Kerdjoudj, et al. However even if Fukuda's first and second housing sections (56A) and (56B) were modified to have angled side walls as shown in Kerdjoudj, et al, such angled side walls would not "inhibit misalignment of the drive mechanism housing by preventing forces applied to the first and second *base* members from being transmitted to the drive mechanism housing" because any forces applied to base member (44) would still be applied to first and second housing sections (56A) and (56B). In other words, the shape of first and second housing sections (56A) and (56B) has no effect on the transfer of force from base member (44) to first and second housing sections (56A) and (56B). Any external force applied to base member (44) would be instantly transferred to first and second housing sections (56A) and (56B).

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fukuda in view of Billman, et al (US 6,028,384). This basis for rejection is respectfully traversed for the same reasons noted above in that Billman, et al's first housing section (38) and second housing section (42) cannot be interpreted to be the first and second base members recited in claim 1. Furthermore, insofar as the housing of Billman, et al's motor (16) is interpreted to be a motor housing, then the housing of motor (16) does not have a link shaft extending therefrom to which a link member of the derailleur linkage mechanism is mounted for pivoting around a rotational axis of the link shaft as recited in amended claim 1.

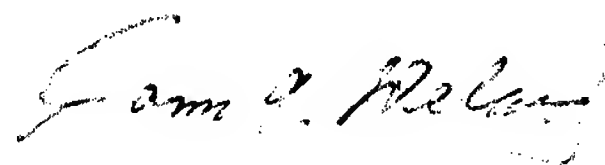
Claims 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fukuda in view of Kerdjoudj, et al (US D451,072) and Kerdjoudj, et al (US 6,054,785). This basis for rejection is respectfully traversed for the same reasons noted above.

Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fukuda in view of Kerdjoudj, et al (US D451,072) and Hardey, et al (US 5,737,968). This basis for rejection is respectfully traversed.

Claim 26 has been amended to clarify that a portion of the drive mechanism housing is exposed at a location between the first and second base members. Hardey, et al discloses a motor (30) projecting from a lateral side of a housing formed by housing parts (27-29). No part of motor (30) is exposed at a location between housing parts (27-29).

Accordingly, it is believed that the rejections under 35 U.S.C. §103 and §112 have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,



James A. Deland  
Reg. No. 31,242

DELAND LAW OFFICE  
P.O. Box 69  
Klamath River, California 96050  
(530) 465-2430